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CABINET

RHODESIA: EXCHANGES WITH MR. SMITH

Note by the Secretary of State for Foreign and
Commonwealth Affairs

At our meeting on 19 November 1970 (CM(70) 39th Conclusions, Minute 2) I said that the Rhodesian reply to our first communication had been disappointingly negative, but that we should not regard this as putting an end to these exchanges. The Rhodesian reply (Annex A) to our second communication (Annex B) reached London on Christmas Eve. It is considerably less terse than its predecessor. It rejects the Fearless talks as a starting point for future discussions and makes it clear that, in the Rhodesian view, the 1969 Constitution is the only possible basis for discussion. There is no mention of the principles and, in particular, of that of unimpeded progress to majority rule which I emphasised and asked Mr. Smith to reflect upon in our first communication of 3 November. The reply does, however, tacitly agree to consider those changes to the 1969 Constitution which Her Majesty's Government would consider necessary for a settlement and asks for a statement of these.

2. If we now formally accept that the 1969 Constitution could be the starting point for a negotiation, this would be a major concession to Mr. Smith. Although it is becoming fairly clear that unless we do, no negotiation will be possible, I believe that we should make a further effort to probe Mr. Smith's attitude to the points of principle which must be established as the basis for any negotiation before we decide to make this concession.

3. There seems to be advantage in sending a further letter to Mr. Smith before the Singapore Conference provided that we can be reasonably sure that it is not likely to provoke an announcement by him that he considers there is no further point in these exchanges. The attached draft reply (Annex C) should avoid this risk. It goes some way to accepting that the 1969 Constitution could be the point of departure for any negotiations, but does not formally concede this at this stage.

4. If my colleagues approve the proposed reply I would arrange for it to be sent by HM Ambassador in Pretoria about the end of this week.

A. D-H

Foreign and Commonwealth Office, SW1

4 January 1971

TEXT OF LETTER FROM AIR VICE MARSHAL HAWKINS
TO HM AMBASSADOR, PRETORIA, DATED 21 DECEMBER 1970

I am directed by the Rhodesian Government to reply to your letter of the 14th December in the following terms.

At the time of the 'Fearless' talks the Constitution in force in Rhodesia was the 1965 Constitution, which had been accorded de jure recognition by the Rhodesian Courts. If the two Governments had reached an agreement which necessitated changes in the Rhodesian Constitution, that Constitution would have required amendment by the Rhodesian Parliament. It was made clear to the British Government that if no agreement was reached in the course of those negotiations the Rhodesian Government would itself prepare a new Constitution which would be designed to meet the long-term needs of Rhodesia.

In due course this was done and a referendum of the electorate was held in June 1969. This referendum resulted in overwhelming support for the proposed new Constitution and for the assumption of republican status. The new republican Constitution came into effect on 2nd March, 1970, and among its provisions were increased and more effective African representation in the Assembly and the introduction of a Senate, the membership of which includes ten African Chiefs. The new Constitution was clearly accepted by the population as a whole and the number of Africans who cast their votes in the general election which followed was greater than in any previous election. It was also accorded full de jure recognition by the Rhodesian Courts. Although de jure recognition has been withheld by the British Government there can be no doubt, five years after its assumption of independence, as to the de facto status of the Rhodesian Government and Constitution.

SECRET AND PERSONAL

It was in the light of the foregoing that the suggestion was made in the letter of 13th November that a suitable starting point for negotiations would be the factual position that Rhodesia is now an independent sovereign republic. The constitutional situation in Rhodesia has altered fundamentally since the previous British Government broke off negotiations and it would be unrealistic not to recognise this fact. It would therefore be equally unrealistic to attempt to resume negotiations at the point where they were broken off.

The letter of 13th November was not intended to mean that the Rhodesian Government do not wish to pursue the possibility of negotiations. The intention was to propose a realistic and practical starting point for such negotiations, having regard to the altered circumstances in Rhodesia.

The Rhodesian Government believe that changes in the present Constitution are neither necessary nor desirable. The Constitution was designed to foster racial harmony and to further the interests of all sections of the population. This objective is clearly being achieved, because the relations between the races have at no time been better than they are today. The Rhodesian Government would therefore be reluctant to make any changes which might prejudice the present satisfactory position, particularly if these were being made with the dubious aim of endeavouring to placate outside opinion. They appreciate, however, that the British Government may wish to suggest changes and for their part the Rhodesian Government would welcome a complete statement of those changes which the British Government suggest are necessary.

The British Government have pointed out that any settlement must be one that they can commend to the British parliament. Equally the Rhodesian Government must make it clear, not only that any changes to the new Constitution must be such that the Rhodesian Government can commend them to the Rhodesian Parliament, but also that they would have to be passed by a two-thirds majority.

SECRET AND PERSONAL

ANNEX B

TEXT OF LETTER FROM HM AMBASSADOR, PRETORIA
TO AIR VICE MARSHAL HAWKINS, DATED 14 DECEMBER 1970

I am instructed by Sir Alec Douglas-Home to reply to your letter of 14 November.

Sir Alec is confident that Mr. Smith and his colleagues will realise it is out of the question for the British Government to accept as the starting point for any negotiations "that Rhodesia is an independent Sovereign Republic". No country in the world recognises this. Nor are any likely to unless the British Parliament is able to legislate as a result of agreement between Britain and Rhodesia. The purpose therefore of a negotiation would be to find a settlement which Her Majesty's Government could then commend to the British Parliament and which would enable Rhodesia to achieve that international recognition which will otherwise continue to be denied her. The consequences would in Sir Alec's view be tragic if the opportunity to achieve such a settlement were not taken now. There will not in his opinion be another chance.

He would therefore be grateful if you would seek confirmation that the message in your letter of 14 November was not intended to mean that Mr. Smith and his colleagues do not wish to pursue the possibility of negotiations. I am asked to add in relation to the reference to the Rhodesian Parliament in your letter of 14 November, that Sir Alec's concern at this time is not with questions of constitutional method or formulation, but with establishing whether there exists a sufficient degree of common ground on principle and intention to enable realistic negotiations to take place.

As Sir Alec suggested in his first letter, the 'Fearless' talks took place on the assumption of unimpeded progress to

SECRET AND PERSONAL

majority rule. There was no timetable, but the principle was preserved. If the degree of agreement which had been achieved in those talks could be the starting point for fresh negotiations it would greatly reduce the area for discussion and it should be possible to reach a settlement without undue delay.

Alternatively, if Mr. Smith wishes to propose some other basis of negotiation Sir Alec would be interested to know his views.

Sir Alec hopes therefore that Mr. Smith will respond to these enquiries so that a basis for discussion may be found. Once such a basis is established it should be possible to settle without difficulty the method of negotiation which will most surely bring the result which both sides would like to see.

ANNEX C

DRAFT LETTER TO H.M. AMBASSADOR, PRETORIA,
TO AIR VICE-MARSHAL HAWKINS

I am instructed by Sir Alec Douglas-Home to reply to your letter of 21 December.

Sir Alec was glad to learn that your previous letter of 13 November was not intended to convey that Mr. Smith did not wish to pursue the possibility of negotiations. His purpose in suggesting that the common ground which was established during the Fearless talks could be the starting point for fresh negotiations was in order to reduce the area for discussion. This would have made it easier to reach agreement; indeed he would like to emphasise once more that agreement on that basis could be rapid. Since however Mr. Smith considers that this would not be practicable in present circumstances, Sir Alec would be prepared to accept that any discussions designed to achieve a settlement could have a different point of departure.

As my letter of 14 December indicated, Sir Alec's prior concern is that of establishing whether there exists a sufficient degree of common ground on principle and intention to enable realistic negotiations to take place. Your letter implies that Mr. Smith would be prepared to contemplate amendment of the 1969 Constitution. That Constitution provides for parity of representation as its ultimate goal; but as Mr. Smith is aware, the British Government are publicly committed to seeking a settlement on the principle of unimpeded progress to majority rule. It would help Sir Alec, in considering whether a fresh starting point for realistic negotiations can be found, to know whether Mr. Smith accepts that any such negotiations would have as one of their objectives the amendment of the 1969 Constitution so as to accord with this principle.

There are a number of statements in your letter which Sir Alec could not accept or endorse; but if an understanding can be reached on the initial point of principle referred to above, he believes it should be possible to find a way to make further progress.

The objective in any negotiations which may take place would certainly be to find a basis for settlement which would foster racial harmony and further the interests of all sections of the population of Rhodesia. Sir Alec believes that changes can be worked out and that these objectives can be assured on a lasting basis, provided talks can be started with the negotiators sharing the same aim. It is his view, in face of the growing disparity in numbers, that it will not be possible in the longer term to create circumstances in which it is to the advantage of all races to work together, through parties based on political principles rather than on race, unless the principle of unimpeded progress to majority rule is accepted.